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RICHARD C. BARTEL
P.O. Box 70805
Chevy Chase, Md. 20813-0805
(301) 215-1685, Fax (301) 424-8265
Pager (301) 406-9554

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Secretary,
Federal Communications Commission
Washington, D.C. 20554

AMENDED PETITION FOR RULEMAKING

This amends the Petition for Rulemaking dated August 1, 1994. The original Appendix 1 is incorporated herein.

Pursuant to 47 CFR 1.401(a), the undersigned petitions the Commission for a change to 47 C.F.R. 64.1506 to add the "555" telephone number exchange prefix to authorized pay-per-call services. Such an amendment is authorized by 47 U.S.C. 228 (b)(5) and (i)(1)(C), which permits the Commission to designate "pay-per-call" prefixes or area code(s) in addition to 900.

The petitioner requests that Section 64.1506 be amended to read as follows:

"64.1506 Number designation.

Any interstate service described in 64.1501 (a)(1) through (a)(2) shall be offered only through telephone numbers beginning with a 900 service access code (area code) or a 555 prefix (exchange). "

OR, alternatively, in the discretion of the Commission:

"64.1506 Number designation.

Any interstate service described in 64.1501 (a)(1) through (a)(2) shall be offered only through telephone numbers beginning with a 900 service access code (area code), and except for indecent content, a 555 prefix (exchange)."

Facts, Views, Argument, and Data

On May 13, 1994, after over a year of industry meetings and approvals, Bellcore issued Letter IL-94/05-004 announcing the Approval of 555-NXX Assignment Guidelines and Implementation Timeline, for assignment of telephone numbers beginning with the 555 prefix (555-xxxx). (Bellcore Letter IL-94/05-004, as Appendix 1, incorporated herein). The deadline for applications was July 8, 1994, and it is believed that Bellcore (North American Numbering Plan Administration (NANPA)) has received applications from about 400 entities for about 1,500 of the available 9,890 numbers.

Previously, only a few 555 prefix numbers have been used, such as directory assistance at 555-1212. Certain other numbers were used in some area codes, such as: 555-1000, 1234, 1313, 1515, 1611, 1717, 1811, 4433, and 4652. Thus, only about ten (10) of the possible 10,000 numbers beginning with 555 have ever

been assigned in any area code, and 555-1212 is reserved for directory assistance.

The Bellcore/ICCF/NANPA guidelines provide that around three-thousand (3,000) (or more, if needed) of the 555 number assignments are expected to be National, i.e. the assigned number will be for use in all area codes (in service in at least 30% of the area codes), by the same entity (termination point), thus interstate. Numbers beginning with 555-01xx are reserved for movies, films, etc..

A principal stated purposes of the 555 number assignments is to "provide for types of public information service needs which may not be met by current numbering solutions, e.g., 976 and 900." (555 NXX Assignment Guidelines dated 4/29/94, INC 94-0429-002, par. 2.1, p. 3, attachment to Bellcore Letter IL-94/05-004). (Alliance for Telecommunications Industry Solutions, Industry Carriers Compatability Forum (ICCF)).

As stated in the purposes, many of the 555 number assignments will be utilized for pay-per-call services covered by 47 C.F.R. 1501 (a)(1) and/or (a)(2). Thus, in accordance with 47 U.S.C. 228 (b)(5) and (i)(1)(C), it is in the public interest that the Commission designate 555 numbers as an authorized prefix which may be subject to applicable pay-per-call Federal laws and regulations, including Federal Trade Commission's regulations at

16 C.F.R. 308 (advertising and operation, 15 U.S.C. 5711-14, and billing errors, 15 U.S.C. 5721-24).

The undersigned is a shareholder in at least one company which has 555 number assignment(s) pending, and has an interest in assuring that there be early application of pay-per-call standards to National 555 numbers used in the provision of pay-per-call services. The need has been identified by industry consensus (Bellcore/ICCF Committees and Workshops), and the provision of alternative pay-per-call access by the Commission is in the public interest due to:

- a) competitive effects on billing platform, carrier, provider, and consumer rates;
- b) increased consumer access to easy-to-remember national seven-digit 555 numbers for pay-per-call services;
- c) increased use of pay-per-call services by large corporations for customer and employee service needs;
- d) increased use of pay-per-call billing mechanisms by non-profit or tax exempt (i.e. IRS 501(c) or governmental) organizations, and acceptance of public service announcements (PSA's) by media containing 555 numbers (to mitigate an existing general reluctance to advertise and/or use 900 numbers); and
- e) for the alternative text of 64.1506 segregating "indecent" speech, the alternate proposal allows market segmentation of "indecent" material in the existing 900 service access code

(area code), which already has private and some public restrictions on access. (See: Alliance for Community Media, et al. v. Federal Communications Commission, et al., 10 F.3d 812 (D.C. Cir. 1993); but see: Sable Communications of California, Inc. v. FCC, 492 U.S. 115, 126 (1989); cf: 47 C.F.R. 76.702). It is not proposed that the 555 prefix have any presumptive access restrictions enabled.

The Commission is requested to implement the first proposed text immediately, and if the alternate text regarding indecent speech or communication is to be considered, then to treat the alternate text as a separate rulemaking procedure under 5 U.S.C. 553.

August 2, 1994

cc: Original + 4 Copies
Attachment: Appendix 1

A handwritten signature in black ink, appearing to read "Richard C. Bartel", written in a cursive style.

Richard C. Bartel
Petitioner